

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 05-cr-233-01-JD

Brendan Bottino

O R D E R

On August 3, 2006, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on four alleged violations of conditions of supervision. Defendant waived his right to a probable cause hearing on the violations. I therefore find probable cause to hold him for a revocation hearing.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. Here defendant has demonstrated a substantial drug problem which he has not controlled despite opportunities to do so. He is a danger to the community. There are no conditions which are likely to assure his presence and the safety of the community.

Accordingly, it is **ORDERED** that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney

General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: August 3, 2006

cc: Arnold Huftalen, Esq.
Jeffrey S. Levin, Esq.
U.S. Marshal
U.S. Probation